IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Crl.Rev.Pet.No. 82 of 2005(A)

CC.1552/1999 of JUDL.MAGISTRATE OF FIRST CLASS-III(MOBILE), ERNAKULAM
CRA.711/2003 of ADDL.SESSIONS COURT, (ADHOC), ERNAKULAM

.....

REVN. PETITIONER: APPELLANTS/ACCUSED:

---

1. M/S.VILAS CONSTRUCTIONS, NO. 38, 4TH FLOOR, G.C.D.A. COMMERCIAL COMPLEX MARINE DRIVE, ERNAKULAM, REP. BY SUKUMARI MURALEEDHARAN.

2. SUKUMARI, W/O.T.P.MURALEEDHARAN, PARTNER NO.38, 4TH FLOOR, G.C.D.A. COMMERCIAL COMPLEX, MARINE DRIVE, ERNAKULAM, KOCHI 31.

3. T.P.MURALEEDHARAN, PARTNER, NO.38, 4TH FLOOR, G.C.D.A. COMMERCIAL COMPLEX, MARINE DRIVE, ERNAKULAM, KOCHI 682 031.

BY ADV. SRI.TOM JOSE
SMT.GEETHA JOB(OZHUKAYIL)

RESPONDENTS: RESPONDENTS/COMPLAINANT:

---

1. M.A.THANKAPPAN, 44/725-A, PERANDOOR ROAD KALOOR, KOCHI 17.

2. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.ASOK M.CHERIAN
SRI.SANTHOSH G. PRABHU
SRI.A.B.XAVIER

R2 BY PUBLI PROSECUTOR SRI.C.K. SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No. 82 of 2005

Dated this the 9th day of April, 2007.

ORDER

Revision Petitioners are accused in C.C.No.1552/99 on the file of the Judicial First Class Magistrate Court–II, Ernakulam. First respondent is the complainant therein. Revision petitioners were convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of six months under section 138 of the Negotiable Instruments Act and to pay a compensation of Rs. 4,95,000/- to to the complainant under section 357(3) Cr.P.C. In appeal filed by the revision petitioners, the conviction was confirmed but sentence was modified by the Addl. Sessions Court, Ernakulam. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No. 4098 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioners to the satisfaction of the first respondent-complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

3. It is submitted that the complainant may be allowed to withdraw the amount in deposit. Parties have agreed that the complainant can be

permitted to withdraw Rs.50,000/- which has been deposited by the accused before the trial court. Hence, the complainant is allowed to withdraw the said amount.

In the result, the Revision Petitioners are acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. They are set at liberty forthwith.

Crl. M.A. No.4098 of 2007 and Revision Petition are allowed.

K. HEMA, JUDGE.

Krs.